

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DONALD B. MCCANN,

Petitioner,

v.

MARILYN BROOKS, et al.,

Respondents.

Civil Action No. 07-245 Erie

**MEMORANDUM ORDER**

This habeas corpus action was received by the Clerk of Court on September 12, 2007.

The Magistrate Judge's Report and Recommendation [Doc. No. 5], filed on September 20, 2007, recommended that Petitioner's Petition be transferred to the Middle District of Pennsylvania. Plaintiff was allowed ten (10) days from the date of service to file objections and service was made on Petitioner by certified mail. No objections were filed. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 11<sup>th</sup> day of October, 2007;

IT IS HEREBY ORDERED that Petitioner's Petition for Writ of Habeas Corpus is TRANSFERRED to the United States District Court for the Middle District of Pennsylvania.

The Report and Recommendation [Doc. No. 5] of Magistrate Judge Baxter, filed on September 20, 2007, is adopted as the opinion of the Court. The clerk is directed to mark the case closed.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge